



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
05/23/99 078	01/29/99	BOYER	07091-006001

MARGARET A BOULWARE  
JENKENS AND GILCHRIST  
SUITE 1800  
1100 LOUISIANA  
HOUSTON TX 77002

PM32/0415

EXAMINER
AUBREY, B

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 04/15/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/239,878

Applicant(s)  
Boyer et al

Examiner  
Beth Aubrey

Group Art Unit  
3635



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 17-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 17-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3635

Receipt is acknowledged of the amendment filed. The specification has been amended and claims 1-16 canceled.

***Information Disclosure Statement***

The information disclosure statement filed 1-29-99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed 1-29-99 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56© most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Art Unit: 3635

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani'598. Guardiani teaches a modular vault comprising a unitary housing body(A-H) made of a metal-reinforced concrete, see Figure 6 and column 6, lines 19-22, a pre-cast roof slab, see Figure 4, side walls(12a), and a floor slab, see Figure 6. Guardiani lacks the vault having a door frame, a means for facilitating hoisting of the body, and the reinforcement being metal. Guardiani lacks the vault having a frame for the door and the metal being steel.

The use of a frame around a door is well known the construction art to secure the door to the wall and allow the door to swing open and shut. To have supplied the vault of Guardiani with a well known door frame would have been obvious to one of ordinary skill to have provided easy and safe access into the vault.

The specific material used for the reinforcement is considered a matter of obvious design choice for a skilled artisan given the intended use of the reinforcement and the environment within which it will be used.

Art Unit: 3635

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani' 598 as applied to claim 17 above, and further in view of Speer' 817. Guardiani teaches the vault discussed previously but lacks the use of hooks for the hoisting means.

Speer teaches a unitary vault(10) having integral hooks(27) on the roof(16) of the body.

It would have been a matter of obvious design choice for a skilled artisan to have provided the vault of Guardiani with the hooks of Speer in order to have provided the vault with transporting capabilities.


***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Aubrey whose telephone number is (703) 308-2485. The examiner can normally be reached from 7:30 am to 5:00 pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Art Unit: 3635

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
**Beth Aubrey**  
**Patent Examiner**  
**Group 3600**

Beth A. Aubrey

April 7, 1999